

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
DELTA DIVISION**

**MIKHAIL DAVITASHVILI**

**PLAINTIFF**

**V.**

**NO. 2:08CV190-B-D**

**R. ADAMS, et al.**

**DEFENDANTS**

**ORDER OVERRULING OBJECTIONS and ADOPTING  
REPORT AND RECOMMENDATION**

The Plaintiff, an inmate proceeding pro se, filed this complaint pursuant to 42 U.S.C. § 1983. The Plaintiff's complaint included claims for, *inter alia*, excessive use of force, denial of medical care and denial of a kosher diet for which the Plaintiff is seeking monetary damages and equitable relief. The Plaintiff was afforded an opportunity to clarify and specifically state his claims at a *Spears* hearing. Following the hearing, the Magistrate Judge submitted a report recommending the dismissal of numerous Defendants. The Plaintiff has filed objections to the report and recommendation.

The court finds that for reasons stated in the Report and Recommendation dated December 12, 2008, the Plaintiff's objections are not well taken.

**THEREFORE**, it is hereby **ORDERED** that

(1) the Plaintiff's objections to the Report and Recommendation of the United States Magistrate Judge are **OVERRULED**;

(2) the Report and Recommendation (docket entry 15) is **APPROVED** and **ADOPTED** as the opinion of this court;

(3) Defendants "Unknown" Colon, D. Forrest, "Unknown" Posada, and "Unknown" Martin are **DISMISSED** without prejudice.

(4) Defendants R. Adams, J. Tilton, D. Steward, M. Flowers, "Unknown" Keys, C. Maiden, "Unknown" Johnson, R. Adams, J. Tolton, L. Cano, "Unknown" Arguyo, J. Dovey, and S. L. Hubbard are **DISMISSED** with prejudice;

(5) this matter shall proceed as to Defendants Sosa, Martinez, Dr. Johnson, Nurse Strong, J. Watson, “Unknown” Sallisbarry, Cook, S. Hosmann, “Unknown” Strong, and E. Joseph; and

(6) the motion for extension of time to file objections (docket entry 17) is **DENIED** as moot.

SO ORDERED, this the 30<sup>th</sup> day of June, 2009.

/s/ Neal Biggers

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NEAL B. BIGGERS  
SENIOR U.S. DISTRICT JUDGE